

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FIRE
for Roanoke
JUL 29 2011
JULIA C. DUDLEY, CLERK
BY: M. J. H.
DEPUTY CLERK

BRYAN JAMES VALENTINE,) **Civil Action No. 7:10-cv-00429**

Plaintiff,

Civil Action No. 7:10-cv-00429

V.

ORDER

**ROANOKE COUNTY POLICE,
DEPARTMENT, et al.,
Defendants.**

**By: Hon. Jackson L. Kiser
Senior United States District Judge**

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that defendants' motion to dismiss is **GRANTED in part and DENIED in part**; it is
GRANTED in part for claims of negligence, reckless endangerment, and excessive force
against property and **DENIED in part** for plaintiff's remaining claims of excessive force against
his person, battery, and an assault; and the defendants **SHALL** within forty-five days of this
Order permit plaintiff to view discoverable records, pursuant to Fed. R. Civ. P. 26, that allow
him to identify the John Doe and other named defendants who were immediately present when
officers physically removed him from the attic.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff and counsel of record for the defendants.

ENTER: This 29th day of July, 2011.

Senior United States District Judge